COPC No.30/2007

21.9.2007: Present: Court on its own motion.

Mr. M.S. Chandel, Advocate General with Mr. J.K. Verma, Deputy Advocate General for respondents No.1 to 3.

Mr. Ramakant Sharma, Advocate for respondent No.4

Ms. Ranjana Parmar, Advocate for respondent No.5.

Replies have been filed by the respondents. Compliance reports have also been filed with respect to the orders passed in this case from time to time.

As at present we do feel that the State Government, its functionaries and the respondents generally are trying to ensure the implementation of the directions of this Court.

As far as respondent No.4 is concerned after going through the reply filed by this respondent supported by his personal affidavit, as well as the accompanying affidavit of Mr. F. Badaik, Senior Manager (P&A), SJVN Limited and on going through the documents filed with this reply, specially office order dated 30th April, 2007 and the letter No.CC/Pers./Welfare-20/2007 dated 25th May, 2007 written by Sh. F. Badaik to SDM, Urban, Shimla, we do feel that SJVN Limited as an organization not only indulged in activities on 26th May, 2007 at Peter Hoff, Shimla which violated the directions issued by this Court but also without any manner of doubt organized the function in the absence of any permission granted by the SDM, Urban, Shimla. We do not accept the contention of respondent No.4 that mere writing of the letter to the SDM on 25.5.2007 gave rise to an impression in its mind that the permission by the SDM was granted. Far from that, on the contrary, in all such official matters,

unless the permission is specifically granted and communicated it cannot at all be presumed.

Whereas, therefore, we hold that respondent No.4 personally was not responsible for committing the aforesaid violation we do hold that SJVN Limited as an organization did commit the violation. We would have proceeded further in this matter by summoning the Managing Director of SJVN Limited as a person being accountable but taking a lenient view as far as the Managing Director's person is concerned, we impose a fine of Rs. 50,000/- as far as the organization is concerned with directions to it to deposit Rs. 25,000/- each, with Bar Council of Himachal Pradesh, Shimla (Advocates Welfare Funds) and High Court of H.P. Bar Association, Shimla (Advocates Welfare Funds) within two weeks from today. The amount so received by the aforesaid two organizations shall be spent by them only for the purchase of books for their respective libraries and for no other purpose.

With the aforesaid observations and directions the proceedings are dropped.

(V.K. Gupta), C.J.

(Rajiv Sharma), J.

September 21, 2007
Awasthi